

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the matter of:)	
)	
Complaint of Millenium Communications &)	
Productions against Cox Communications for)	CSR 5937
Carriage of Translator Station KLNLM-LP, Lufkin,)	
Texas)	

MEMORANDUM OPINION AND ORDER

Adopted: October 28, 2002

Released: October 30, 2002

By the Deputy Chief, Policy Division, Media Bureau:

I. INTRODUCTION

1. Millenium Communications & Productions ("Millenium"), licensee of low power television ("LPTV") station KLNLM-LP ("KLNLM-LP"), Lufkin, Texas, filed a complaint pursuant to Section 614 of the Communications Act, as amended, and Sections 76.7 and 76.61(a) of the Commission's Rules, claiming entitlement to mandatory carriage of KLNLM-LP on the cable system of Cox Communications ("Cox") serving the community of Lufkin, Texas.¹ Cox filed an opposition to the complaint.

II. BACKGROUND

2. Both the Communications Act of 1934, as amended, and the Commission's rules require the carriage of "qualified" LPTV stations in certain limited circumstances.² An LPTV station that conforms to the rules established for LPTV stations in Part 74 of the Commission's Rules will be considered "qualified" if: (1) it broadcasts at least the minimum number of hours required under 47 C.F.R. Part 73; (2) it adheres to Commission requirements regarding non-entertainment programming and employment practices, and the Commission determines that the programming by the LPTV station would address local news and informational needs which are not being adequately served by full power television broadcast stations because of geographic distance of such full power stations from the low power station's community of license; (3) it complies with interference regulations consistent with its secondary status; (4) it is located no more than 35 miles from the cable system's head-end and delivers to the principal head-end an over-the-air signal of good quality; (5) the community of license of the station and the franchise area of the cable system are both located outside the largest 160 Metropolitan Statistical Areas on June 30, 1990, and the population of such community of license on that date did not exceed 35,000; and (6) there is no full power television broadcast station licensed to any community within the county or other State political subdivision served by the cable system.³ The latter clause (6) of Section 76.55(d) has been interpreted by the Commission to disqualify an otherwise qualified LPTV station from mandatory carriage "if a full power station is located in

¹ 47 U.S.C. § 534; 47 C.F.R. §§76.7 & 76.61(a).

² 47 U.S.C. §534(c)(1); 47 C.F.R. §76.56(b)(3).

³ 47 U.S.C. §534(h)(2); 47 C.F.R. §76.55(d).

the same county or political subdivision (of a State) as an otherwise ‘qualified’ LPTV station.”⁴

III. DISCUSSION

3. Millenium’s request for carriage of KLNLM-LP on Cox’s cable system serving Lufkin, Texas will be denied, because KLNLM-TV is not a qualified low power station as defined under Section 76.55(d) of the Commission’s rules. More particularly, and as Cox noted in its opposition, full-power commercial television station KTRE is licensed in Angelina County, Texas, which is the county in which KLNLM-TV’s community of license, Lufkin, is located.⁵ Although this station is a satellite of television station KLTV, Tyler-Longview, Texas, it is considered a full power station under the Commission’s rules.⁶ As noted above, a low power television is not considered a qualified low power station as defined by the Commission’s rules, if there is a full power television broadcast station licensed to any community within the county or other political subdivision as an otherwise “qualified” LPTV station.⁷

IV. ORDERING CLAUSED

4. Accordingly, **IT IS ORDERED**, pursuant to Section 614 of the Communications Act, 47 U.S.C. § 614, that the complaint filed by Millenium Communications & Productions in File No. CSR 5937-M **IS DENIED**.

5. This action is taken pursuant to authority delegated by Section 0.283 of the Commission’s rules.⁸

FEDERAL COMMUNICATIONS COMMISSION

Steven Broecker
Deputy Chief, Policy Division, Media Bureau

⁴ *Implementation of the Cable Television Consumer Protection and Competition Act of 1992; Broadcast Signal Carriage Issues*, 8 FCC Rcd 2965, 2983 n. 211 (1993).

⁵ Cox Opposition at 2. *See also* Television & Cable Factbook 2001, Stations Vol. 2, at A-1260 & A-1261. Angelina County is also a political subdivision containing communities served by Cox’s Lufkin cable system. *Id.*

⁶ *Implementation of the Cable Television Consumer Protection and Competition Act of 1992; Broadcast Signal Carriage Issues*, 8 FCC Rcd 2965, 2973 (1993)

⁷ 47 U.S.C. §534(h)(2); 47 C.F.R. §76.55(d)(6). *See also supra* n. 3.

⁸ 47 C.F.R. § 0.283.